



COMMONWEALTH OF VIRGINIA
OFFICE OF THE COMMONWEALTH'S ATTORNEY
COUNTY OF LOUDOUN
20 East Market Street
Leesburg, Virginia 20176-2809
(703) 777-0242
(703) 777-0160 (fax)

JAMES E. PLOWMAN
Commonwealth's Attorney

NICOLE WITTMANN
Chief Deputy Commonwealth's Attorney

SEAN P. MORGAN
ALEJANDRA R. AMATO
Deputy Commonwealth's Attorneys

GIGI B. LAWLESS
ANGELA L. VERNAIL
JASON A. FAW
RYAN W. PERRY
TRAVIS M. OWENS
JOSHUA P. STEWARD
RUSSET W. PERRY
GREGORY P. ROSEN
AMY M. McMULLEN
ERIC M. SHAMIS
GRACE J. SUH
DONALD P. GOODMAN III
ERIC J. POHLNER
MEREDITH M. BURKE
Assistant Commonwealth's Attorneys

September 25, 2014

Subject of Review

On May 24, 2014 at approximately 2:14 p.m., the Purcellville Police Department received a call stating that there was a subject with a knife who was threatening to kill himself. The subject with the knife was at a friend's house located on Frazer Drive in Purcellville, Virginia. As Purcellville Officers responded to the location, they received additional information via dispatch that the subject, a juvenile approximately age 17, was running through the residential neighborhood and that he possibly still possessed a knife. Officer T. Hood arrived at the scene and saw the subject holding a knife while struggling with another individual. The two were located on the curbside of Frazer Drive. Officer Hood exited his marked cruiser and ordered the subject to drop the weapon. The subject disregarded multiple commands to drop the weapon and advanced on the officer. The subject, C.S., was fatally shot.¹ The following is an overview of the investigative information collected and its application to relevant law.

Responding Agencies

Leesburg Fire and Rescue
Loudoun County Fire and Rescue
Loudoun County Sheriff's Office
Philomont Fire and Rescue
Purcellville Fire and Rescue
Purcellville Police Department

¹ The subject is being referred to in this report by his initials, C.S., as he was 17 years old at the time of this incident.

Agencies Involved in the Investigation and Review of Information

Loudoun County Commonwealth's Attorney's Office
NMS Labs
Office of the Chief Medical Examiner, Northern District
Virginia Department of Forensic Science, Northern Laboratory
Virginia State Police

Items Reviewed

1. Law Enforcement Investigative and Supplemental Reports: (40 reports)

Virginia State Police

Trooper S. Bonden
Sergeant D. Dean
Trooper E. Diaz
Special Agent J. Groner
Trooper N. Johnson
Trooper N. MacCraken
Special Agent C. McClure
First Sergeant J.C. Miers
Special Agent R. Paschal
First Sergeant M. Smith

Loudoun County Sheriff's Office

First Lieutenant M. Caminiti
Deputy R. Hamilton
Second Lieutenant J. Koontz
Deputy A. Kowalski
Deputy C. Lake

Purcellville Police Department

Officer J. Aydelotte
Officer A. Barnhart
Officer G. Dinkins
Officer T. Hood
Officer C. MacDonald
Lieutenant J. Rust
Sergeant J. Schroeck

2. Audio Recordings:
- a. Two 911 phone calls, May 24, 2014
 - b. Dispatch radio traffic and corresponding notes

3. Audio Taped Interviews:
 - a. Interview of G.M. (civilian witness)
 - b. Interview of K.Y. (civilian witness)
 - c. Interview of M.F. (civilian witness)
 - d. Interview of T.S. (civilian witness)
 - e. Interview of Officer G. Dinkins
 - f. Interview of Officer T. Hood
 - g. Interview of Sergeant J. Schroeck
4. Virginia State Police Leica Data Scan of the Incident Scene.
5. Inventory Lists of Property Acquired as Potential Evidence.
6. Virginia Department of Forensic Science, Request for Laboratory Examination.
7. Certificate of Analysis (Firearm Analysis) from the Virginia Department of Forensic Science
8. Purcellville Police Department General Order #101 (Subject: Use of Force); Effective Date: March 20, 2007; Date Revised: May 7, 2013.
9. Police Records from Purcellville Police Department regarding emergency responses to the home of C.S. (historical information):
10. Digital photographic images of the incident scenes (81).
11. Digital photographic images of the autopsy (29).
12. Report of Investigation from the Office of the Chief Medical Examiner.
13. Report of Autopsy from the Office of the Chief Medical Examiner.
14. Certificate of Analysis from the Office of the Chief Medical Examiner.
15. Toxicology Report of C.S. from NMS Labs.
16. Medical Records of Officer T. Hood dated May 24, 2014.

Summary of Incident Facts

At approximately 2:14 p.m., on May 24, 2014, the Purcellville Police Department received a call from a residence located on 103 Frazer Drive (See Attachment 1) requesting assistance as a subject identified as C.S. was trying to stab himself with a knife. The caller stated that C.S. had already done so multiple times and that two individuals, G.M. and T.S., who were friends of C.S., were trying to restrain him without success and during this C.S. swung at G.M. with the knife. The caller went on to say that C.S. jumped off the second story level of the

townhome and fled. As C.S. jumped, G.M. was pulled over the railing of the second story with him. After jumping, C.S. ran through the residential neighborhood and continued down Frazer Drive with G.M. following. K.Y., the next door neighbor, saw C.S. bleeding and heard G.M. calling for help after they were out of the residence. K.Y. went into her home and retrieved a dish cloth to help treat C.S.'s injury. Upon exiting her home, she saw C.S. and G.M. running behind the townhomes and she followed. The Purcellville Police Department responded, dispatching three officers and a rescue squad to the scene. Two officers, Sergeant J. Schroeck, and Officer G. Dinkins responded to the residence from where the 911 call was made via McDaniel Drive. Officer T. Hood approached the area via Frazer Drive. All three police officers were in uniform and driving marked police cruisers. Immediately upon arrival, Officer Hood saw C.S. sitting/crouching on the side of the road near 219 Frazer Drive (See Attachment 1) with a knife in his hand. G.M. was behind C.S. struggling for control of the knife. Officer Hood saw blood on both subjects. Officer Hood exited his cruiser and pulled out his service weapon. At the same time, he yelled at C.S. to drop the weapon. He did so multiple times thereafter. C.S. did not respond to his commands. K.Y., yelled to Officer Hood that C.S. had a knife. C.S. broke free from G.M., stood up, and immediately started walking toward Officer Hood with the knife in his right hand. Officer Hood continued to order C.S. to drop the weapon and began to retreat to the rear of his police cruiser away from C.S. C.S. raised the knife, pointed it at Officer Hood, increased his speed, and continued to advance. Once C.S. got within five to ten feet of Officer Hood, Officer Hood discharged a single round. C.S. continued to advance and an additional three rounds were discharged. C.S. was struck four times in the chest area. C.S. fell to the ground still clutching the knife. Sergeant Schroeck approached and removed the knife from C.S.'s hand. The knife was approximately 7" in length, with a handle of approximately 4" and a blade of approximately 3" (See Attachment 2). Officers rendered aid to C.S. at the scene in front of 225 Frazer Drive, which is where he fell after being shot (See Attachment 1). C.S. was pronounced dead at the scene by emergency rescue personnel (See Attachments 3 and 4 for reference).

Data Scan

As part of the collection of data from the incident scene, the Virginia State Police used a Leica 360° camera and data scanning station. The camera collects photographic images as well as laser readings to create a 3D graphic display that can be viewed via a personal computer. Scans were taken at the scene and the data merged. Among the various capabilities, is the ability of the user to maneuver throughout the computer generated scene to obtain views from specific locations. It also contains a measuring tool to determine specific distances. The distance between the rear area of Officer Hood's cruiser and the place where C.S. was treated by rescue, which was approximately where he fell, was measured to be 9.434 feet.

Autopsy Data

On May 26, 2014, an autopsy of C.S. was performed at the Office of the Chief Medical Examiner by Dr. Jocelyn Posthumus. In accordance with the policy and procedures of the Medical Examiner's Office regarding police involved shootings, and to avoid any potential conflicts of interest, all items collected during the examination that have potential evidentiary value are not turned over to the police agency involved. Several items collected were either submitted directly to the Department of Forensic Science or to the Virginia State Police for further examination.

Four bullet wounds to the chest area were identified and photographed. In addition to the gunshot wounds, the Medical Examiner's Report also lists findings of stab/cut wounds to the head and neck (13) and cuts to the right wrist (6)

Firearm Analysis

The firearm discharged during the incident was a Purcellville Police Department issued Glock .40 caliber pistol. The pistol and the magazine were sent to the Virginia Department of Forensic Science. A Request for Laboratory Examination (RFLE) was submitted with these items and a request was made for a functionality test of the firearm. The report revealed that the firearm was found to be in "mechanical operating condition with the safety features functioning properly." The trigger pull was determined to be approximately 6.25 pounds.

Purcellville Police Department General Orders

General Order #101 and specifically section #101.3, establishes the policy and procedures which govern the use of force by members of the Purcellville Police Department. The effective date for this Order is March 20, 2007. It was revised on May 7, 2013. The general application of this Order mandates the directive that, *"lethal force may be used by an officer when the officer reasonably believes that his or her action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury and only after all other means have been exhausted."*

The following definitions are contained within this Order:

1. *Lethal force: action, which is likely to cause death or serious physical injury;*
2. *Reasonably believe: what a reasonable person in the same situation would believe based on the knowledge of the facts surrounding the event, as they existed at that time;*
3. *Serious physical injury: injury that may cause death, permanent impairment, or permanent disfigurement.*

Summary of Civilian Witness Statements²

Note: Several additional potential witnesses, beyond what is summarized below, were interviewed or questioned about what they saw or heard. Many are not listed within these summaries that follow, as they were either not in close proximity to the incident, received their information from secondary sources, or their information was consistent and cumulative of other witnesses in similar locations and described below.

- a. G.M. (Adult Male, age 20) reported that at approximately 12:45 p.m., C.S. and two other friends, T.S. and M.F. came over to his house. The four watched a movie together. After a few minutes, C.S. asked them to pause the movie. C.S. told his friends that he, "recently informed his mother and father that we was bi-sexual and that his mother and father didn't take it too well." C.S. became upset and began to cry. He told his friends that he "wanted to go somewhere else and wanted to kill himself." For the next 45 minutes C.S. stated that he believed in reincarnation and that he would be born again. He told his friends that in the afterlife, he could "choose how he would come back and what he would look like." G.M. stated that C.S. made statements like, "I want to kill myself; you all can't stop me; it's really selfish that you guys want to stop me." During this time, his friends were trying to convince him not to harm or kill himself. C.S. went to the bathroom. At this time, T.S. called his father, L.S. to tell him about the situation. After two minutes, G.M. feared that C.S. may harm himself in the bathroom. He unlocked the bathroom door with a key and saw C.S. stabbing himself in the throat with a knife. G.M. attempted to restrain C.S. and yelled at him to stop. The two struggled from the bathroom to the kitchen where again C.S. stabbed himself with the knife in the throat. G.M. reported seeing blood coming from the throat of C.S. At this point, T.S. helped to try to restrain C.S. C.S. was able to throw off G.M. and T.S. G.M. reported that it seemed that C.S. at this point seemed to have "extra-ordinary strength." G.M. went on to say that after throwing T.S. and G.M. off, C.S. "took a swing at him with the knife but missed." At this point, G.M. called 911 and informed the police of the situation. C.S. went over to the backdoor of the townhouse in an attempt to elude G.M. and T.S., but a safety railing prevented his exit. At this time, C.S. still had the knife in his hand. As C.S. jumped over the railing, G.M. was dragged over with him and they both fell approximately 12 feet to the ground. C.S. regained his footing and again stabbed himself in the throat with the knife. C.S. climbed over a 6 foot fence and ran into the common area of the townhouse community. G.M. advised that once they were outside, he could hear the sounds of sirens and he began to yell for help. C.S. moved to the front area of #111 Frazer Drive near the garage door of the townhouse, where he continued to stab himself in the throat. He described C.S.'s demeanor as, "screaming and out of control." The two ran down Frazer Drive and C.S. fell to the sidewalk near #219 Frazer Drive. G.M. reported that a police cruiser arrived with its emergency equipment activated. G.M. reported that the officer exited his cruiser and drew his gun. He could not recall any verbal commands that the officer gave to C.S.

² All civilian witnesses are being referred to in this report by their respective initials to protect their privacy.

but went on to say that the shooting event was so fast, giving the Officer little reaction time. G.M. observed C.S., "run at the officer with the knife raised and then the officer discharged his weapon" three to four times striking C.S. He said that after the shooting, he returned to his house. He stated that C.S. was not using any drugs at his (G.M.'s) house. He believed that C.S. brought the knife with him. He went on to say that C.S., "never released the knife from his hand."

- b. T.S. (Adult Male, age 19) reported that he was walking around Purcellville with his girlfriend, M.F. at approximately 1:00 p.m. when they ran into his friend, C.S. He reported that they all went to G.M.'s house and began to watch a movie. He said that, "out of the blue" C.S. said that he wanted to kill himself. He said that he wanted to move to a new life. C.S. went on to say that, "if he was dead, he could pick his next life." T.S. said that they tried to talk C.S. out of killing himself. He went on to say that they were there for him and that they would see him through this, but that it was, "to no avail." He said that C.S. stated that he was not depressed and that he was not upset but that he, "just did not want to live anymore." According to T.S., C.S. said that he wanted to kill himself because he, "told his parents that he is bi-sexual and that his mother is not looking at him the same way." He then went on to say that he "worked this out with his parents and everything is fine and that this is not the reason why he wants to end his life." T.S. reported that C.S. kept saying that he "wanted to move to the next life." He said that he felt that they "were not getting anywhere with C.S." T.S. said that M.F. took his cell phone, went upstairs in the home and called a suicide hotline in an effort to have someone talk C.S. out of committing suicide but that she was put on hold so she called T.S.'s father, L.S. T.S. then joined M.F. upstairs and took the phone, spoke to his father and advised him of the situation. L.S. asked them if they should call the police to which T.S. responded that they "did not want to call the police because they had talked to C.S. and calmed him down." T.S. went on to tell his father that they would keep in touch with him and let him know if they needed to involve the police, which T.S. thought might "set C.S. off." T.S. then rejoined C.S. and G.M. downstairs. At that point, C.S. "was fine and seemed like he was ok for a while." L.S. called his son back as soon as T.S. got back downstairs. T.S. took the call outside as he did not want to "set C.S. off." Within a few minutes, M.F. called T.S. back inside the house. He could hear yelling inside the house. He told his father to call 911 and also told M.F. to call 911. T.S. saw C.S. with a knife in his hand. He said that G.M. was on C.S.'s back holding C.S.'s arm. He said that C.S. was trying to stab himself in the throat. He said that G.M. was, "screaming" at T.S. He went on to say that M.G. was, "trying to get C.S. in an arm lock and get the knife away from his (C.S.'s) throat." T.S. said that he thought that C.S. brought the knife with him and that it appeared to him to "have had a blade of approximately four to six inches in length and that the overall length of the knife appeared to be approximately eight to ten inches." T.S. said that he jumped on C.S. and grabbed his arm. He said that C.S. was, "pulling the knife closer and closer." T.S. went on to say that, "every time that he would grab the blade, C.S. would jerk the knife." T.S. was cut on the left hand during the struggle. He said that he believed that C.S. was not trying to harm them but was rather trying to kill himself. T.S. went on to say that he could not have fought C.S. any harder and was, "getting to the point where he was going to hit C.S. in an effort to knock him out." T.S. described C.S. as being, "strong" and said that

C.S. was able to pick both he and G.M. up and throw them onto the ground. T.S. said that he "rolled over trying to stay away from the knife which was still in C.S.'s hand." C.S. broke free from them and stabbed himself in the throat, using both hands. C.S. pulled the knife out and stabbed himself again "as if he was trying to finish himself off." At this point, G.M. jumped back on top of C.S. as did T.S. C.S. threw them both off and jumped over the safety railing of the back door. G.M. grabbed him by the ankle and they both fell to the ground below. C.S. got up and climbed over the backyard fence and ran. G.M. ran after C.S. but he did not pursue C.S. any further. Before scaling the fence, G.M. threw T.S. the phone and T.S. began speaking to the 911 operator. He told the operator that his friend stabbed himself and tried to kill himself. He did not witness the shooting but did hear, "bang, bang, bang, bang." He did not observe C.S. use any alcohol on that date and that he appeared to be "sober when they first met up that day." He said that C.S. never mentioned being on any drugs or possessing any drugs. He said C.S. had been prescribed "mood stabilizers." He said C.S., "might have mentioned being on Ambien also."

- c. M.F. (Adult Female, age 19): She was walking with her boyfriend, T.S. when they encountered C.S. They decided to go to G.M.'s house on Frazer Drive. She said that after being at the house for about 20 minutes, C.S. stated that he "wanted to kill himself." She said that they "asked him why and tried to talk him down." She reported that C.S. said they "could not change his mind." She said that C.S. told them that he had informed his parents that he was bi-sexual and that "they did not seem to be taking it too well and that his mother was not looking at him the same." She reported that it then turned into "crazy things like C.S. saying nonsense and crazy things such as he wanted to transcend into the next life by taking his own life now." She reported that none of it made sense and that C.S., "seemed confused." C.S. denied being depressed. She said he was, "just making nonsense and that she had never heard him talk like this before." She said C.S. seemed calm but that she went upstairs and used T.S.'s phone to call a suicide hotline "because she knows that they can help you talk someone down or transfer you to the police if necessary." She said the suicide hotline was busy so she called L.S. because he "works at hospital and would know what to do." T.S. came back upstairs so she gave him the phone and went back down and sat on the couch near C.S. T.S. came back down as well. T.S. received a phone call and went outside to take the call. She said that she thought "C.S. knew that we were trying to get someone to come and help them out." C.S. went into the bathroom. After a few minutes, G.M. opened the bathroom door and screamed, "no, no, no, no, no." She said that C.S. said something like, "just let me do it." C.S. was holding a knife and was trying to stab himself. She could only see the blade of the knife. She said that G.M. was trying to get him out of the bathroom and trying to take the knife away from him. She ran outside to get T.S. who threw her the phone and told her to call 911, which she did. She said C.S., G.M. and T.S. were in the kitchen and then moved to an area at which time she could no longer see them from her vantage point. While on the phone with 911, she could hear them in the back yard. She heard them "yelling and also heard a scream." She saw C.S. "bolting out from the split between houses and run down Frazer Drive." She said a police officer arrived at the house at this point and that she told him the direction in which G.M. and C.S. ran. She said the police officer ran down the street and that a couple

of seconds later she heard, "pop, pop, pop, pop which were pretty consistent." She said that at that time, T.S. was in the house with her and that G.M. came back to the house after the gunshots. She reported at that time, L.S. arrived at the house as well. She went on to say that T.S. told her that C.S. took mood stabilizers. She said that she has no personal knowledge of C.S. using alcohol, prescription medication or illegal narcotics and did not see him use any that day.

- d. R.F. (Adult Male, age 33) reported that at approximately 2:15 p.m., on May 24, 2014, he was sitting on the front porch of his home near Frazer Drive. He reported seeing, "a white teenager and a black male running down Frazer Drive." He stated that he "realized that something was seriously wrong when he heard the black male say, 'Don't kill yourself.'" He said the "white male collapsed near 219 Frazer Drive" and was heard saying, "I don't want to live no more." He advised the "white male" seemed to be in pain. He could hear the police sirens getting closer. He reported that a woman at the corner of Frazer near Heaton Court was holding a red towel and was telling "the white male" to sit down. He observed the blood on the "white male's" shirt. As the police arrived, he reported that he hear the woman with the red towel say, "hurry up, he has a knife." As he turned to go inside, he heard the sound of three gun shots.
- e. J.K. (Adult Female, approximate age 75) advised that sometime after 2:00 p.m. on May 24, 2014, she was seated on her back deck reading a book. She advised that she lives close to the scene of the shooting. She heard a man's voice calling "help me, help me." She could hear the police sirens in the distance. She saw a young teenaged "white male" running barefooted with a "black male" running after him. "The black male" was yelling, "help me." She saw a woman with a towel standing at the corner of Frazer Drive and Heaton Court. As the police were arriving, she heard the woman with the towel yell, "he has a knife, he has a knife." She then heard the police officer yell, "stop, stop." She heard the police officer fire four shots. She was unable to see anything in the teenager's hands. She stated that "the teenager ran towards the police officer as he (the Officer) was yelling, 'stop, stop'" She advised that the event transpired within "a few seconds." She described the behavior of the teenager as "crazy and disheveled."
- f. K.Y. (Adult Female, age 47) reported that she lives near the location of the incident. At approximately 2:00 p.m. on May 24, 2014, she was inside her residence and heard yelling. She went out onto her back deck and saw G.M. (a man that she knew from the neighborhood). G.M. was frantically yelling, "help, help, help." In the distance she could hear police sirens. She saw a "white male" bleeding from the upper torso area. Thinking that someone may have fallen and been injured, she grabbed a red kitchen towel and went outside to assist. She saw G.M. and the "white male" struggling with each other. She thought that the "white male" was in shock and yelled to him to sit down and stop moving as he was bleeding. She observed blood on his throat and face. The two continued to run and she followed until the "white male finally stopped" and sat down in the driveway of #219 Frazer Drive. K.Y. tried to give the "white male" the towel to help stop the bleeding. "The white male turned and growled at her and began to stab himself in the neck." At the same time, a police

officer arrived with emergency lights and siren activated. K.Y. waved at the police officer to come to her location. G.M. again tried to grab hold of "the white male." "The white male got up quickly" and K.Y. yelled at the police officer "he has a knife, he has a knife." "The white male moved quickly towards the police officer as the police officer yelled 'freeze, don't move.'" "The white male lunged moving quickly towards the officer." K.Y. further stated that the "white male totally disregarded the verbal commands of the officer and moved towards the officer with the knife." K.Y. saw the officer shoot "the white male," hearing three gunshots. She went on to report that "the shooting event transpired in a quick two to three second time frame."

- g. S.S. (Adult Male, approximate age 30): S.S. advised that he was in his home close to the scene of the incident and heard screams or yells. He said that "seconds later, he heard thumps at his garage door." He looked outside and saw, "two boys brawling." He was not able to see the boys' hands. He looked at his wife and could hear sirens. He heard someone yell "freeze." in the faint distance. He reported that "instantly after that, he heard the gunshots and that they were pretty back to back."
- h. S. S. (Mother of C.S., age 46) At 6:35 p.m. S.S. was notified that her son had been shot and killed. She stated that her son "was prescribed medication but may not have been taking it." She advised that someone from the neighborhood had contacted her by telephone, telling her that a 17 year old male with a knife had been shot by the police and that she, S.S., thought that it may be her son.

Summary of Law Enforcement Statements

- a. Officer T. Hood: (Purcellville Police Department): Officer Hood was with the Purcellville Police Department for 16 months at the time of the incident. Prior to that he served in the United States Marine Corps for 4 years. His assigned shift that day was from 6:00 a.m. to 6:00 p.m. At approximately 2:14 p.m., he, Officer Dinkins and Sergeant Schroeck received a dispatch to respond to the area of Frazer Drive in Purcellville and that a suicidal subject with a knife was involved. All three were in separate police cruisers. They proceeded East on Main Street and then onto 9th Street. Officer Hood stated that Officer Dinkins was in front of him and turned left onto McDaniel and that he proceeded further and turned left onto Frazer. When he arrived at the intersection of 9th Street and Frazer Drive, he looked down the street and could see a woman waving to him. He saw two other people on the ground. He notified dispatch that he was on scene at Frazer Drive and Heaton Court. He stated that as he called in his location, he saw "one male sitting down and another male behind him." Hood stated "I could see that he was holding his arm. As I got a little closer, I could see that it was his right hand that he had a knife in it." He stated that the person seated on the ground had the knife in his hand and that the person behind him had control of the person's arm with the knife. The person with the knife had blood on his neck and a knife in his right hand. He could not see if there were any cuts, just that he had blood on his neck. He reported that "As I was getting out of the cruiser, the person with the knife in his hand got up. I am not sure if he broke free or the other person let him go, or if the other guy just lost control of him. The guy

with the knife stood up and started walking straight towards me. He crossed over Frazer towards me. He had the knife in his hand. It is down by his side. Right away I drew my pistol and pointed it at him and started giving him instructions to drop the knife. I said it several times. I don't know how many times I said it. As he got closer to me, he started to increase his speed, his momentum sped up and he raised the knife to his waistline.³ "With his momentum and things and I was giving the orders and he was not complying that's when I shot him. After the first round, his momentum was still coming at me. Then I shot two more rounds and at that point he stopped and he fell." Officer Hood also stated, "When I was giving commands to the man with the knife, he was focused on me with his eyes but did not acknowledge me or answer...he didn't say anything. He just kept coming and his eyes were locked." He went on to say "I kept repeating to drop the knife. I don't know how many times I said it but it was more than once." He then stated, "Until he got to the point that his momentum was picking up and he raised the knife and he got at an estimate maybe five or six feet away from me and then I fired. I fired one and then he kept coming and I fired two more quickly and then he fell." He reported that Sergeant Schroeck arrived and took the knife out of the subject's hand. Officer Hood advised that the reason that he took a different route than Officer Dinkins was that he wanted to cover the other direction because, "they did not have eyes on the subject."

- b. Officer G. Dinkins (Purcellville Police Department): He reported that at about 2:14 p.m. he was dispatched to the area of Frazer Drive in Purcellville. While in route, he received information that a young man was attempting to commit suicide and that the person had a knife and had already cut himself. He advised that he and Sergeant Schroeck, and Officer Hood were each in their own police cruisers and responded to the scene. He turned down McDaniel Drive and stopped at the corner of McDaniel and Frazer Drive. Sergeant Schroeck was behind him. He exited his police cruiser and made contact with two residents at a home on Frazer Drive, a male and a female (T.S. and M.F.). They advised that the subject was going down Frazer Drive and had a knife. They told him that another subject was chasing the first subject. He then heard three shots and took off running towards the sound of the gunfire. As he ran, he saw Sergeant Schroeck running down Frazer Drive. He said that he saw Sergeant Schroeck grab something from the young man's hand who was on the ground and throw it. He said that the item was a knife. He advised that Officer Hood had his weapon drawn and was still covering the subject on the ground. He stated that Officer Hood was standing to the rear of his cruiser.
- c. Sergeant J. Schroeck (Purcellville Police Department): He reported that he received a dispatch for a suicidal subject and that Officer Hood and Officer Dinkins were also dispatched. He said that they were each in their own police cruiser. Officer Dinkins was the first car, Officer T. Hood was the second car and he fell in behind. He advised that dispatch stated that the subject had a knife. Dispatch also reported that the subject was running from the scene. He drove down Frazer Drive and as he turned the corner he saw a subject on the ground and Officer Hood standing approximately 10 feet away from the subject with his weapon drawn. He stated that

³ Officer Hood physically demonstrated to the interviewer that the knife was in this position and pointed at him.

the subject on the ground had a knife in his right hand and that he thought that "the subject would still have been a threat so he grabbed the knife from the subject's right hand and tossed it away from the subject on the asphalt a few feet away."

Historical and Background Information

History of C.S.'s Prior Contact with Law Enforcement

During the time period of June 4, 2009 to March 23, 2014, the Purcellville Police Department had either contact with or had been called to the home of C.S. The following is a synopsis of those contacts as contained in police reports.

- a. March 26, 2009: Purcellville Police are called to the home of C.S. and his parents by the parents. They reported that their son had been showing increasingly difficult behavior and that neither parent could make him go to school. C.S. became upset when he realized that his parents had called the police. His parents told him that they called the police because he would no longer listen to his parents and they were tired of his behavior. After speaking with the police and his parents for a while, C.S. agreed to go to school with his father.
- b. June 4, 2009: Purcellville Police were flagged down to an area of Main Street and 9th Street in Purcellville by a citizen who reported that a group of juveniles were hanging out in front of a store and that the citizen had heard glass breaking and saw the group of juveniles running from the direction of the sound. The juveniles admitted to breaking a glass aquarium at the side of the building by accident when they were throwing rocks at each other. The juveniles stated that they were not trying to hurt anyone or anything. No charges were filed. C.S. was one of the juveniles.
- c. January 23, 2010: Purcellville Police receive a 911 hang up from the home of C.S. They respond to the residence and were met by the mother. She stated that C.S. had been disrespectful to the adults in the home and was yelling. She went on to say she spanked him with a belt when he disobeyed her. The police spoke to C.S. and calmed the situation before departing.
- d. November 14, 2010: Purcellville Police are dispatched to C.S.'s home to respond to a call from his parents. The father stated that C.S. was at home with his mother and was being unruly, refusing to take his medication and refusing to go to school. The mother advised the same. The mother reported that this was an ongoing issue with her son missing the bus and that as long as he took his medication, he was fine. She contacted her husband, C.S.'s father, to help her as C.S. had been abusive with her in the past. The father called the police.
- e. May 14, 2011: Purcellville Police are called to the home of C.S. by the parents who reported that C.S. had pushed his mother against a wall and had broken part of a stairway. At this point, C.S. was being monitored by the Juvenile and Domestic Relations Court Restorative Justice Program, a pre-trial court diversionary program

for juveniles. C.S. admitted that he had pushed his mother against the wall and that "his parents were illogical when they would not allow him to do the things that he wanted to do." Police told him that he had to respect and obey his parents. The parents asked that the police remove C.S. from the home. Juvenile Court Intake was called and advised that they would not authorize a detention order. Police explained this to the parents who advised that the episodes with C.S. were getting worse and he was taking his anger out on his mother. The mother advised that the pushing and physical contact were getting worse⁴.

- f. May 15, 2011: Purcellville Police are called to the home of C.S. by his parents. They report that C.S. is yelling at them. The police could hear him yelling as they entered the home. C.S. explained that he was having the same issues with his parents as the night before. Police explained to him that he had to respect and obey his parents. He agreed to do so.
- g. November 8, 2011: Purcellville Police are called to the home of C.S. by his parents. The father explained that his son had removed the electronic monitoring bracelet that had been placed on his ankle by the Juvenile Court. C.S. did so because he wanted to go out with his friends. He was not allowed to do so as part of his parent's restrictions as well as a condition of his probation. The father went on to say that C.S. became upset and locked himself in the bathroom and refused to open the door. Police talked to C.S., and he opened the door. They explained that he had to obey his parents and the rules of probation. He was also told that the probation officer would be notified and that the Court would make the decision if there would be sanctions for removing the bracelet.
- h. January 5, 2012: Purcellville Police are requested to execute a shelter care order for C.S. It is without incident. The shelter care order was at the request of the Court's personnel.
- i. April 5, 2012: Purcellville Police are called to the Rite Aid in Purcellville to respond to a shoplifting incident. The store manager advised that C.S. and another juvenile attempted to walk out of the store without paying for merchandise. When they were stopped by the manager they offered to pay for the merchandise so that they could "just leave." Both juveniles were referred to Juvenile Court Intake for further legal action.
- j. June 6, 2013: Purcellville Police were dispatched to a "check on the welfare" at the home of C.S. The caller, C.S.'s father, stated he called the police because he was concerned because his wife, the mother of C.S., called him and said that she was having problems with C.S. Since that call, the father had been unable to reach his wife. The police responded to the home and found it to be empty. As they exited the home, the mother arrived in her car. She was crying and appeared very upset. The father then also arrived at the home. The mother stated that her son said he wanted to

⁴ On June 11, 2011, C.S. pled guilty in the Juvenile and Domestic Relations Court for Loudoun County to one count of Assault and Battery upon his mother for his actions arising from this event and was placed on probation with the Court.

go to a party. She told police that he was not allowed to go. She said that her son then became upset and started yelling at her. When she tried to exit the room, he grabbed her by her arm, stood in the doorway and would not let her go. She used her cell phone to call her husband. C.S. grabbed the cell phone from her and would not give it back to her. She stated that when she was finally able to get out, she ran down the stairs and got in her car and drove away. The parents advised that they did not want anything to come of the incident as their son had twice previously been in shelter care because of his behavior. They asked for time to think about it. On June 16, 2013, the police contacted the parents who reported that C.S. was calm and that they wanted no further action taken.

- k. August 21, 2013: Purcellville Police were called to the home of C.S. by his parents. The father stated that over the past several months, C.S. had become harder to handle and that two weeks ago, he pushed his father down the stairs and that three days ago, he pushed his mother onto a bed, took her cell phone and removed the SIM card. The father said they wanted C.S. arrested for those two past events. He was frustrated that police would not arrest C.S. but rather stated that they would refer the matter to C.S.'s probation officer for further action.
- l. December 31, 2013: Purcellville Police were called to the home of C.S. by his parents who reported that C.S. had left the home the night before and had not returned. The police searched for C.S. but were unable to find him. On January 2, 2014, C. S. was located at the home of a friend. He stated that he "had no regard for authority." The parents advised police that they were contemplating sending C.S. to live with a relative in Australia because they are out of options.
- m. March 23, 2014: Purcellville Police are called to the home of C.S. by his parents. Upon arrival, the mother reported that her son was out of control over having his Kindle taken from him. She said that his grandmother had lent him the Kindle but had revoked this privilege. At that point, C.S. became irate and chased his mother and grandmother and would not let them leave the bedroom. The mother called the father, who then called the police. The mother stated that upon hearing the police had been called, C.S. grabbed a knife and ran upstairs stating that he was going to kill himself. The mother told the police that C.S.'s doctor recently reduced the amount of medication that C.S. was taking. Police spoke to C.S. and asked if he said that he wanted to kill himself. He refused to answer the question. Purcellville Police called Cornwall Mental Health who advised that the police should try to get C.S. to be admitted to the hospital voluntarily. C.S. agreed to go to Cornwall with his father to be evaluated.

Analysis and Conclusion

It should be noted that C.S.'s history, while relevant, is not a factor that is directly related to the legal analysis of whether or not the actions taken by the Officer Hood were reasonable and legally proper. It does, however, provide independent insight as to the likely condition and behavior of C.S. as seen by Officer Hood on May 24, 2014.

A comprehensive review of the information obtained in the course of this investigation leads to the conclusion that the actions taken by Officer Hood were a legal justification of the use of lethal force. The legal standard through which the Officer's actions are viewed is well defined by both the Supreme Court of the United States and the Supreme Court of the Commonwealth of Virginia. In the case of Graham v. Connor, 490, U.S. 386 (1989), the Supreme Court of the United States found that the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The Court goes on to say that the calculus or reasonableness must embody allowance for the fact that police officers are often forced to make split second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation.

Officer Hood and other members of the Purcellville Police Department were dispatched to call on Frazer Drive at approximately 2:14 p.m. to a male subject saying he wanted to kill himself and that there was a knife involved. Officer Hood, Sergeant Schroeck and Officer Dinkins responded to the call. Officer Dinkins and Sergeant Schroeck went down McDaniel Street while Officer Hood went down Frazer. As he was pulling up in his marked police cruiser with the emergency equipment activated, Officer Hood saw C.S. sitting on the ground with G.M. standing behind him. He saw that C.S. had a knife in his hand and that G.M. was holding C.S.'s arm that contained the knife. He saw blood on both subjects, including on the neck of C.S. He could not see if there were any cuts, just that he had blood on his neck. As he got out of his cruiser, K.Y. yelled to him that C.S. had a knife. C.S. got up having broken away from G.M. and started walking directly toward Officer Hood. At first, C.S. had the knife down by his side. Officer Hood gave more than one loud verbal command to C.S. to stop and/or to drop the weapon. C.S. had the knife in his hand and Officer Hood had his service weapon drawn. C.S. continued to advance on Officer Hood. His pace increased, his eyes were fixed on Officer Hood and he raised the knife to about his waist with the tip of the blade pointed at Officer Hood. By Officer Hood's estimation, C.S. came within five to six feet of Officer Hood and was continuing to advance with the knife in hand toward Officer Hood. Officer Hood fired one round. After the first round, C.S. continued to advance on Officer Hood. An additional three rounds were fired, striking C.S., upon which, C.S. fell. Sergeant Schroeck arrived and took the knife out of the subject's hand.

Killing in self-defense or in defense of others is justifiable homicide when faced with the imminent likelihood of death or serious bodily injury. Further, the use of a deadly weapon is an

important factor to consider. Generally, Virginia Courts have defined a deadly weapon as one which is likely to produce death or great bodily injury. However, the manner in which the weapon is used is often more important than its inherent characteristics and capabilities. Floyd v Commonwealth, 191 Va. 674, 62 S.E.2d 6 (1950).

The Officer's actions constitute a justifiable homicide as the killing was a reasonable use of lethal force and was undertaken in self-defense. As in every situation, the facts are unique, and must be viewed in their totality. The principles governing self-defense and defense of others are well established. Self-defense and defense of others are both affirmative defenses to a charge of murder. "The bare fear of serious bodily injury, or even death, however well-grounded, will not justify the taking of human life." Stoneman v. Commonwealth, 66 Va. 887, 900 (1874). "There must [also] be some overt act indicative of imminent danger at the time." Vlastaris v. Commonwealth, 164 Va. 647, 652, 178 S.E. 775, 776 (1935). See also Yarborough v. Commonwealth, 217 Va. 971, 975, 234 S.E.2d 286, 290 (1977); Mercer v. Commonwealth, 150 Va. 588, 597, 142 S.E. 369, 371 (1928). In other words, a person "must wait until some overt act is done[,] . . . until the danger becomes imminent." Vlastaris, 164 Va. at 652, 178 S.E. at 777. In the context of a self-defense (or defense of others) plea, "imminent danger" is defined as "an immediate, real threat to one's safety . . ." Black's Law Dictionary 399 (7th ed. 1999). "There must be . . . some act menacing present peril . . . [and] the act . . . must be of such a character as to afford a reasonable ground for believing there is a design . . . to do some serious bodily harm, and imminent danger of carrying such design into immediate execution." Byrd v. Commonwealth, 89 Va. 536, 539, 16 S.E. 727, 729 (1893). Commonwealth v. Cary, 271 Va. 87, 623 S.E.2d 906 (2006).

The actions taken by C.S. of refusing to drop the knife coupled with his raising the knife with the blade pointed at Officer Hood and advancing at him, presented Officer Hood with an immediate and real threat to his safety. His actions as described by law enforcement as well as civilian witnesses clearly were of such a character as to afford a reasonable ground in the Officer's mind that there was a design to do bodily harm or kill and that there was an imminent danger of his carrying such design into immediate action.



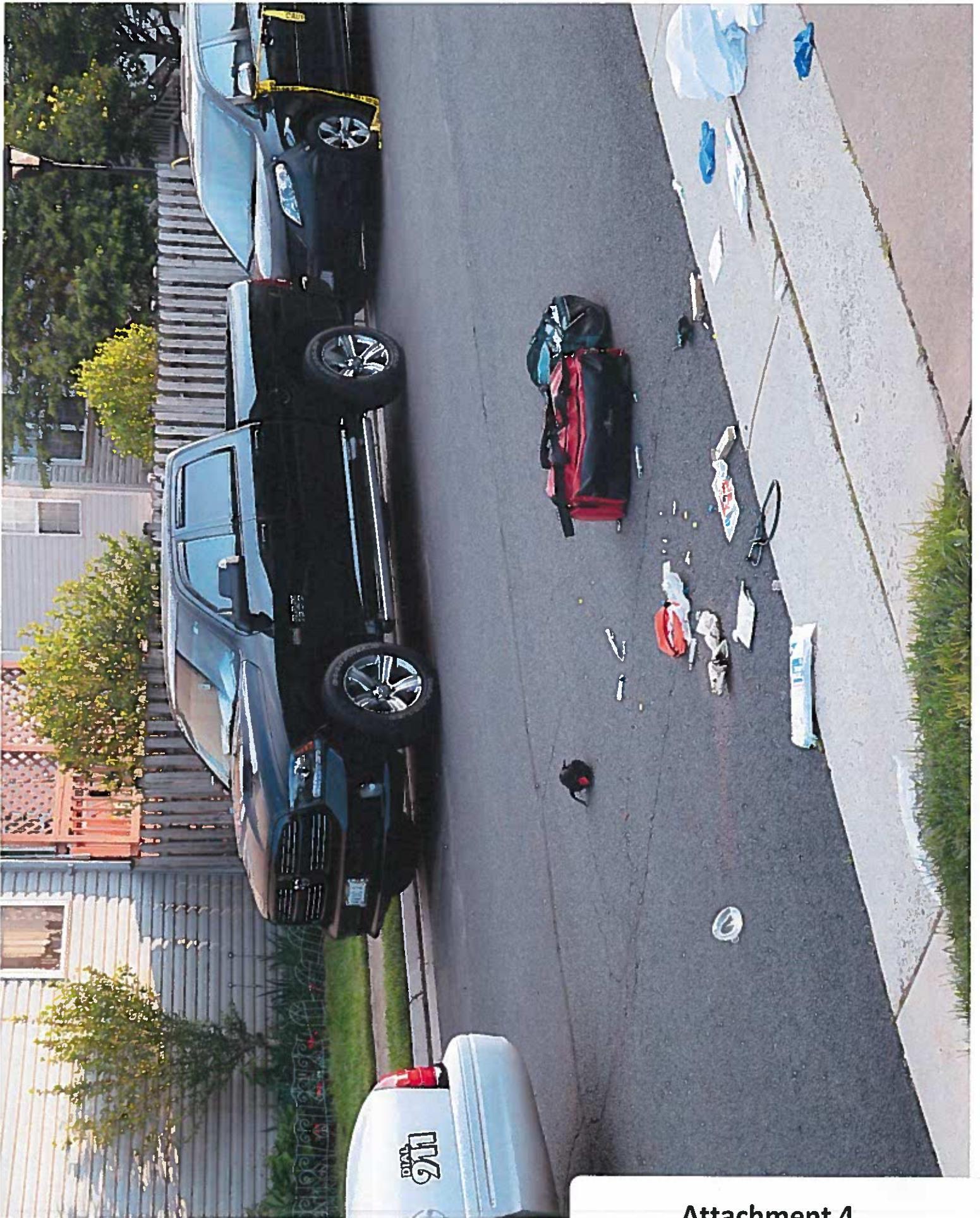
Attachment 1



Attachment 2



Attachment 3



Attachment 4